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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/736,612      | 12/17/2003  | Hiroki Suzukawa      | 00862.023376        | 3445             |

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| EXAMINER |
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SCHMIDT, KARI L

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| ART UNIT | PAPER NUMBER |
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2139

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/16/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/736,612

Applicant(s)

SUZUKAWA, HIROKI

Examiner

Kari L. Schmidt

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/11/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 is referring to a device manufacturing method, which doesn't further limit Claim 9.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 8- 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 claims "a device manufacturing apparatus" and Claim 9 claims "an exposure apparatus for exposing a substrate to a pattern" both claims don't particularly point out and distinctly claim the subject matter. Also, not sure what it means/not clear when Claim 9 uses the terms "exposure" and "pattern".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nerlikar (US 5, 629, 981).

**Claim 1**

Nerlikar discloses an apparatus comprising: a user interface unit; a detection unit which detects whether a user exists; and a first setting unit which sets an item operable from said user interface unit based on a detection result of said detection unit (column 6, lines 34-65: "The RFID badge means may be any device which allows positive identification of the wearer and which provides an ability to communicate; terminal device = any type of electronic equipment or hardware; the terminal device detects the RFID and reads the information off the RFID badge").

**Claim 2**

Nerlikar discloses an apparatus according to claim 1, wherein said first setting unit sets the item based on a change from existence of a user to absence of the user (column 7, lines 59-64).

Claim 3

Nerlikar discloses an apparatus according to claim 1, wherein said first setting unit minimizes number of the items based on a change from existence of a user to absence of the user (column 8, lines 15-36).

Claim 4

Nerlikar discloses an apparatus according to claim 1, further comprising a second setting unit which sets the item based on a predetermined operation from said user interface unit (column 8, lines 15-22 and column 18, lines 53-62).

Claim 5

Nerlikar discloses an apparatus according to claim 4, wherein said predetermined operation includes an input operation for user authentication (column 7, lines 6-27: "authentication by biometrics: digital voice, signature, digitized fingerprints, digitized eye retina prints, etc.")).

Claim 6

Nerlikar discloses an apparatus according to claim 5, wherein said second setting unit sets the item based on a user authenticated due to said input operation (column 7, lines 6-27: "authentication by biometrics: digital voice, signature, digitized fingerprints, digitized eye retina prints, etc.")).

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Claim 7

Nerlikar discloses an apparatus according to claim 1, wherein said first setting unit sets, as the item, an input operation for user authentication, based on a change from existence of a user to absence of the user (column 6, lines 34-65: "The RFID badge means may be any device which allows positive identification of the wearer and which provides an ability to communicate; terminal device = any type of electronic equipment or hardware; the terminal device detects the RFID and reads the information off the RFID badge"; column 7, lines 6-27: "authentication by biometrics: digital voice, signature, digitized fingerprints, digitized eye retina prints, etc.").

Claim 8

Nerlikar discloses an apparatus according to claim 1, wherein the apparatus includes a device manufacturing apparatus (column 9 lines 41-56).

Claim 9

Nerlikar discloses an apparatus according to claim 1, wherein the apparatus includes an exposure apparatus for exposing a substrate to a pattern (column 4, lines 54-65: "biological information patterns" and column 9 lines 41-56: "GPS location patterns").

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Claim 10

Nerlikar discloses a device manufacturing method, comprising a step of exposing a substrate to a pattern using an apparatus defined in claim 9 (column 4, lines 54-65: "biological information patterns" and column 9 lines 41-56: "GPS location patterns").

Claim 11

Nerlikar discloses a method comprising steps of: detecting whether a user exists with respect to a user interface unit of an apparatus; and setting an item operable from the user interface unit based on a detection result in said detecting step (column 6, lines 34-65: "The RFID badge means may be any device which allows positive identification of the wearer and which provides an ability to communicate; terminal device = any type of electronic equipment or hardware; the terminal device detects the RFID and reads the information off the RFID badge"; ).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wildman (US 2002/0196150 A1) teaches a waste segregation compliance system and method including a processor, a waste receptacle configured to detect a deposit of an item therein and to provide a deposit signal to the processor, and a detector configured to detect a person and to provide a location signal to the processor in response to detection of the person.

Cockerham (US 2003/0128099 A1) teaches a system and method for securing a defined perimeter using multi-layered biometric electronic processing.

Schmitt et al. (US 5,903,225) teaches an access controls includes a fingerprint enrolling station for sensing a fingerprint of a person and enrolling the person as an authorized person based upon the sensed fingerprint.

Hamid et al. (US 6, 434, 259 B1) teaches a method of providing secure user access for doorways and network computer systems.

Hamid et al. (US 7, 137, 008 B1) teaches a method for authorizing a user in communication with a workstation. A system automatically determines a plurality of available user information entry devices in communication with the workstation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kari L. Schmidt whose telephone number is 571-270-1385. The examiner can normally be reached on Monday - Friday: 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KS

*Taghi D. Arani*  
*Primary Examiner*  
*Taghi D. Arani*  
*3/13/07*